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Z-MAN FISHING PRODUCTS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

APPLIED ELASTOMERICS,  
INCORPORATED, a California corporation,  
  
Plaintiff/Counter-Defendant,  
  
v.  
  
Z-MAN FISHING PRODUCTS,  
INCORPORATED, a South Carolina  
corporation,  
Defendant/Counter-Complainant.

Case No. C06-02469 CW

**STIPULATION AND ORDER  
REGARDING RESPONSE TO  
THIRD AMENDED COMPLAINT**

Honorable Claudia Wilken

1 Plaintiff and Counter-Defendant Applied Elastomerics, Incorporated (“AEI”) and Defendant  
2 and Counter-Complainant Z-Man Fishing Products, Incorporated (“Z-Man”), through their respective  
3 attorneys of record, submit this stipulation and proposed order pursuant to Northern District Local  
4 Rule 6-2.

5 Whereas AEI’s lead counsel on this matter, Jill Neiman, has had to take an unexpected  
6 medical leave of absence and Jennifer Taylor assumed responsibility for this case going forward as of  
7 March 12, 2007.

8 Whereas Z-Man filed its Third Amended Counter-Complaint on March 15, 2007.

9 Whereas the previous time modifications in this case include the following: 1) On April 27,  
10 2006, the parties stipulated to provide Z-Man with an additional 20 days within which to respond to  
11 AEI’s Complaint. 2) On September 28, 2006, pursuant to Z-Man’s request, the parties stipulated  
12 that the hearing date for the parties’ pending motions (Z-Man’s transfer motion and AEI’s motion to  
13 dismiss counterclaims) and the date of the parties’ Case Management Conference be rescheduled  
14 from October 20, 2006 to November 3, 2006. 3) On December 7, 2006, pursuant to the Court’s  
15 authorization at the Case Management Conference for the parties to work out a stipulated briefing  
16 schedule for AEI’s motion to dismiss Z-Man’s first amended counterclaims and/or motion for  
17 judgment on the pleadings, the parties so stipulated to a briefing schedule and to a hearing date of  
18 February 2, 2007. 4) On December 20, 2007 the parties entered into a revised stipulation on the  
19 briefing schedule and hearing date for AEI’s motion to dismiss Z-Man’s First Amended  
20 Countercomplaint in light of Z-Man’s agreement to voluntarily drop some of its counterclaims by  
21 bringing a Second Amended Counter-Complaint. 5) on January 23, 2007 the parties entered a  
22 stipulation extending time for Z-Man to respond to AEI’s motion to dismiss the Second Amended  
23 Counter-Complaint in light of a calendaring error which caused Z-Man not to file its opposition to  
24 AEI’s motion on January 19, 2007 when it was otherwise due pursuant to the parties’ December 20,  
25 2007 stipulation.

26 Whereas on March 5, 2007 this Court granted AEI’s motion to dismiss Z-Man’s Second  
27 Amended Counter-Complaint, but granted Z-Man leave to re-plead one of the dismissed  
28 counterclaims and also permitted Z-Man to include in its Third Amended Counter-Complaint claims

1 Z-Man wishes to pursue from the transferred South Carolina action recently consolidated with this  
2 case.

3 It is hereby stipulated that AEI will have until April 12, 2007 to answer or otherwise respond  
4 to the Third Amended Counter-Complaint. (A motion to dismiss any portion of the Third Amended  
5 Counter-Complaint will obviate the need for AEI to file an answer to the Third Amended Counter-  
6 Complaint until after the motion is decided).

7  
8 Dated: March 20, 2007

MORRISON & FOERSTER LLP

9  
10 By: /s/ Jennifer Lee Taylor  
Jennifer Lee Taylor  
Attorneys for Plaintiff Applied Elastomerics, Inc.

11  
12 Dated: March 20, 2007

DILLINGHAM & MURPHY, LLP

13 By: /s/ Mark J. Rogers  
Mark J. Rogers  
14 Attorneys for Defendant Z-Man Fishing  
Products, Inc.  
15

16 IT IS SO ORDERED.

17 March 21

18 Dated: \_\_\_\_\_, 2007



19  
United States District Judge  
Honorable Claudia Wilken

20 I, Jennifer Lee Taylor, am the ECF User whose ID and password are being used to file this  
21 Stipulation Regarding Briefing Schedule and [Proposed] Order. In compliance with General Order  
22 45, X.B., I hereby attest that Mark J. Rogers has concurred in this filing.

23  
24 Dated: March 20, 2007

MORRISON & FOERSTER LLP

25  
26 By: /s/ Jennifer Lee Taylor  
Jennifer Lee Taylor  
27 Attorneys for Plaintiff and Counter-Defendant  
Applied Elastomerics, Inc.  
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